THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.16495 of 2006

Dated:09.08.2006

Between:

Sri K.Ram Reddy.

…Petitioners

and

The Joint Collector, and others.

…Respondents

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.16495 of 2006

ORDER:

The petitioner is allegedly owner of the land admeasuring Acs.13.11 guntas in Survey No.578 situated at Babaguda, Shamirpet Village and Mandal, Ranga Reddy District. The father of respondents 3 to 6 herein by name K.Jagga Reddy, is the real brother of the petitioner. It is alleged that so as to help his brother, the petitioner who has no male issues allowed his brother to cultivate the land for eking out livelihood. However, taking advantage of illiteracy of the petitioner, Jagga Reddy and respondents 3 to 6 managed to get the revenue records changed showing them as pattadars in the pahanies to an extent of Acs.7.00 of land in Survey No.578. After coming to know about the same, the petitioner filed a revision petition under Section 9 of the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971 (for short 'the Act') before the first respondent who by memo dated 12.01.2006, impugned in the Writ Petition, rejected the same as time barred. This Writ Petition is filed against the said memo.

Learned Counsel for the petitioner submits that after receiving the revision petition filed by the petitioner on 21.07.2005, the Joint Collector directed the Mandal Revenue Officer, Shamirpet, to submit a report. Accordingly, the Mandal Revenue Officer submitted a report on

19.11.2005 to the effect that there is no authenticity in incorporating the names of respondents 3 to 6 in the pahanies and pattadar pass books. Therefore, the learned Counsel would submit that the first respondent ought to have passed orders on merits. Secondly, he would urge that under Section 9 of the Act, no order can be passed by the Joint Collector adverse to a person without hearing such person.

Admittedly, the names of respondents 3 to 6 and their father Jagga Reddy were entered in the revenue records and pattadar pass books in 1982. The petitioner filed the revision petition in July 2005, after a lapse of about twenty three years. Therefore, the Joint Collector was justified in rejecting the revision as barred by limitation. It is now axiomatic that when it is conferred on the authority to exercise powers of quasi judicial nature, such power should be exercised within a reasonable time (See **State of Gujarat v. P.Raghav**[1]**)**. Therefore, if the Joint Collector had entertained the revision of the petitioner, the same would have been prone to the vice of illegality. In the absence of any allegations of fraud and misrepresentation, the exercise of revisional power after lapse of about twenty three years ordinarily cannot be treated as reasonable. Therefore, this Court does not find any merit in the argument of the learned Counsel for the petitioner. Further, the Joint Collector observed that the petitioner can always file a civil suit. Therefore, the petitioner cannot be said to be without any remedy. The petitioner, if so advised, may file a suit for declaration of title.

The Writ Petition is devoid of merit and is accordingly dismissed. No costs.

(V.V.S.RAO, J)

09.08.2006
vs

[1] AIR 1969 SC 1297